

Article 9: Construction Permits

Division 2: Building Permit Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0201 Purpose of Building Permit Procedures

The purpose of these procedures is to establish the process for review of Building Permit applications for compliance with the minimum standards necessary to safeguard life or limb, public health, property, and welfare. The intent of these procedures is to review the proposed design, construction methods, and type and quality of materials used for new construction or for construction involving existing *structures*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0202 When a Building Permit Is Required

- (a) No *structure* regulated by the Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially demolished unless a separate Building Permit for each *structure* has first been obtained from the Building Official, except as exempted in Sections 129.0202(b) and 129.0203.
- (b) Separate Building Permits are not required for a dwelling and associated *accessory structures* located on the same property and described in the Building Permit application, plot plan, and other drawings.
- (c) The placement of factory-built housing, meaning one or more factory-assembled components comprising a single *structure* suitable for human occupancy that is brought to the job site for connection to a foundation, requires a Building Permit in accordance with this division.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0203 Exemptions from a Building Permit

- (a) A Building Permit is not required for the following *structures* and activities.
 - (1) One-story detached accessory buildings used as tool and storage sheds, playhouses, or similar uses provided the projected roof area is 120 square feet or less.

- (2) *Fences* that are 6 feet in height or less.
- (3) Oil derricks.
- (4) Partitions that are 72 inches high or less, cases and counters.
- (5) *Retaining walls* that are 3 feet in height or less, measured from the top of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids.
- (6) Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
- (7) Platforms, walks, and driveways that are 30 inches or less above *grade* and not over any *basement* or *story*.
- (8) Painting, papering, and similar finish work.
- (9) Temporary motion picture, television, and theater stage sets and scenery.
- (10) Window *awnings* supported by an exterior wall of Group R, Division 3, and Group M Occupancies when they do not project more than 54 inches.
- (11) Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent *grade* and the capacity does not exceed 5,000 gallons.
- (12) Patio cover *structures* attached to or detached from *single dwelling units* in the RE, RS, and RX zones in the following circumstances, except in the *appealable area* of the Coastal Overlay Zone or in Planned Developments:
 - (A) The patio cover *structure* has 300 square feet or less of projected roof area.
 - (B) The patio cover *structure* does not encroach into any *yard*.
 - (C) The patio cover *structure* is 12 feet or less above *grade*.

- (13) Antennas supported on the roof.
- (14) *Awnings* projecting horizontally out to 6 feet or less and attached to the exterior walls of buildings of Group R, Division 3 or Group U, Division 1 Occupancies.
- (15) Electrolier standards, flag poles, and antennas that are 30 feet or less in height above finish *grade* when fully extended.
- (16) Exterior walking decks that are supported on *grade* and extend 30 inches or less above *grade* and are accessory to buildings of Group R, Division 3 (dwellings) and Group U, Division 1 (residential *accessory structures*) Occupancies.
- (17) Renewal of roof coverings on any buildings.
- (18) Repairs that involve only the replacement of components or existing work with similar materials for the purpose of maintenance, that do not have an aggregate valuation of over \$1,000.00, and that do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment. The following repairs are exempt from permit requirements without limit to valuation:
 - (A) Painting and decorating;
 - (B) Installation of floor covering;
 - (C) Cabinet work; and
 - (D) Outside paving.
- (19) Hospital Buildings as defined in California Health and Safety Code, Section 129725.
- (20) Structures placed in public streets, alleys and sidewalks, except those regulated by Chapter 32 of the California Building Code.
- (21) Work done by employees of the City on City-owned or leased buildings.

- (22) A temporary shed, office or storage building and other structure incidental to and for work authorized by a valid grading or building permit. Such structures must be removed upon expiration of the permit or completion of work covered by the permit.
- (23) Installing replacement windows in existing window openings where all of the following conditions apply:
 - (A) The “replacement windows” are installed in a single family residence or a duplex.
 - (B) The proposed window replacement shall not require any modifications to the weather resistive exterior wall envelope protecting the structure or the interior of the structure.
 - (C) The existing windows to be replaced are not required to be fire resistive.
 - (D) The proposed work shall not require modifications to the existing rough openings.
 - (E) Exemption from a building permit shall not exempt compliance with the emergency escape requirements of Section 310.4 of the 2001 California Building Code and the provision of smoke detectors per the requirements of Section 310.9 of said code.
- (24) Specific *structures* as determined by the Building Official for a particular and justifiable reason.
- (b) The exemptions in Section 129.0203(a) are not exemptions from the electrical, plumbing, and mechanical permit requirements. Unless the proposed work is exempt under another section of the Land Development Code, separate electrical, plumbing, and mechanical permits may be required.
- (c) The exemptions in Section 129.0203(a) do not apply to alterations, repairs, or improvements of *historical resources* as described in Section 143.0220.
- (d) Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

(Amended 9-24-2002 by O-19102 N.S.)

§129.0204 How to Apply for a Building Permit

- (a) An application for a Building Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.
- (b) Every application shall include the following information:
 - (1) A description of the work for which the application is submitted;
 - (2) A legal description and a *street* address or similar description that will definitively locate the proposed building or work;
 - (3) An indication of the proposed use or occupancy;
 - (4) The valuation for any addition, improvement, or alteration to an existing *structure* or the valuation of any new *structure* proposed.
- (c) Submittal documents including plans, specifications, diagrams and computations, inspection requirements, and other data may be required. The submittal documents for an application shall be in accordance with the requirements of the Land Development Manual.
- (d) Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will comply with the provisions of the Building Regulations and all applicable laws, ordinances, rules, and regulations.
- (e) An application for permanent relocation of a *structure* on a new site shall include a request for a pre-relocation examination, unless the *structure* is to be placed at a storage site that is an approved use as a storage site in accordance with the Land Development Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0205 Deferred Submittals of Required Building Permit Application Materials

Before issuing a Building Permit, the Building Official may allow deferral of submittal documents relating to a specific portion of the design. The Building Official shall specify a maximum time period for submittal of the deferred documents. The Building Permit for the non-deferred portions may be issued and construction may start on the non-deferred portions of the work, before the deferred submittals are submitted. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the Building Official.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0206 Who May Prepare Plans for Building Permits

If plans or other material submitted are not prepared by an architect or engineer licensed by the State of California, the Building Official may require the *applicant* to demonstrate that state law does not require the material to be prepared by a licensed architect or engineer. The Building Official may require plans, computations, and specifications to be prepared by an architect or engineer licensed by the State of California, in circumstances where preparation by a licensed professional is not required by state law.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0207 Designation of Architect or Engineer of Record on Plans

When state law requires that documents be prepared by an architect or engineer licensed by the State of California, the architect or engineer of record shall be designated on the plans in the manner required by state law.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0208 Coordination Responsibilities of Architect or Engineer of Record

- (a) The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others for compatibility with the design of the building.
- (b) If deferred submittals are requested and approved, the architect or engineer of record shall list the deferred submittals on the plans. The architect or engineer of record shall be responsible for reviewing and coordinating deferred submittals and for forwarding them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and that

they have been found to be in general conformance with the design of the building.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0209 Change of Architect or Engineer of Record

If the circumstances require and in accordance with state law, the *applicant* or permittee may designate a substitute architect or engineer of record licensed by the State of California who shall perform all of the duties required of the original architect or engineer of record. The Building Official shall be notified in writing by the *applicant* or permittee if the architect or engineer of record is changed or is unable to continue to perform the duties.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0210 Plan Review Procedures

The application, plans, specifications, and other data filed by an *applicant* for a Building Permit shall be reviewed by the Building Official. The plans may be reviewed by other departments of the City to verify compliance with any other applicable provisions of the Municipal Code.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0211 Closing of Building Permit Application

If 360 calendar days have elapsed since the date of submittal of a Building Permit application and the *applicant* has not requested that a Building Permit be issued, the application file shall be closed. Plans and other data submitted for review may be returned to the *applicant* or destroyed by the Building Official. To reapply, the *applicant* shall submit a new Building Permit application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is filed.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0212 Decision Process for a Building Permit

A decision on an application for a Building Permit shall be made by the Building Official in accordance with Process One. The Building Permit shall be approved if the Building Official finds that the work described in the permit application, plans, specifications, and other data comply with the requirements of the Building Regulations, other applicable laws and ordinances, and any applicable *development permit*.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0213 Issuance of a Building Permit

- (a) The Building Permit may be issued after all approvals have been obtained and the required fees have been paid. In addition to plan check approvals, other documentation may be required before the permit is issued, in conformance with the requirements of the Land Development Code or the laws or requirements of other applicable local, state, or federal jurisdictions.
- (b) A Building Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.
- (c) Any security required by the Land Development Code for relocation of a *structure* shall be deposited with the City before the Building Permit is issued.
- (d) If a pre-relocation examination finds that a residential *structure* is substandard, no Building Permit shall be issued until the plans are revised to include additional work that will eliminate the substandard condition.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0214 Requirements for Approved Plans

- (a) Plans and specifications that are approved as part of the application for a Building Permit shall be signed and stamped "APPROVED" by the Building Official and shall be filed as an attachment to the Building Permit. Approved plans and specifications shall not be changed, modified, or altered without authorization of the Building Official.
- (b) One set of the approved plans and specifications shall be returned to the *applicant* and that set shall be kept on the site of the *structure* or work at all times during which the work authorized by those plans is in progress.
- (c) Except as required by Section 19850 and 19851 of the Health and Safety Code, the building official shall retain one set of approved plans, specification and computations for a period of not less than 90 calendar days from the date of completion of the work authorized by those plans, after which time the building official may, at his or her discretion, either dispose of the copies or retain them as a part of the permanent files of the Development Services Department.

(Amended 9-24-2002 by O-19102 N.S.)

§129.0215 Issuance of a Building Permit for a Part of a Structure

The Building Official may issue a permit, and work may begin, for the construction of part of a *structure* before the plans and specifications for the entire *structure* have been submitted or approved, if adequate information and detailed statements have been submitted complying with all applicable requirements of the Building Code. As a condition of issuance, the permittee shall agree that he or she proceeds at his or her own risk without assurance that the Building Permit for the entire *structure* will be issued. The partial construction shall comply with the Building Regulations and any other regulation in effect on the date the complete permit application is submitted to, and is accepted by, the Building Official.

(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)

§129.0216 Initial Utilization of a Building Permit

A Building Permit shall become void if the work authorized by the permit has not begun within 180 calendar days of the date of permit issuance.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0217 Maintaining Utilization of a Building Permit

A Building Permit shall become void if at any time after the work is begun, the *structure* or work authorized by the Building Permit is suspended or abandoned for a continuous period of 180 calendar days.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0218 Expiration of a Building Permit

- (a) A Building Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in accordance with Section 129.0218(b).
- (b) When the permit is issued, the Building Official may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Building Permit shall be specified on the permit.
- (c) If the building or work authorized by a Building Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0219 Extension of Time for a Building Permit

- (a) Except for relocation of *structures*, a permittee may submit an application for an extension of time before the expiration date of the Building Permit. The Building Official may extend the Building Permit one time, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the permittee prevented completion of the work.
- (b) If an application for an extension of time has been filed before expiration and in accordance with this section, the existing Building Permit shall automatically be extended until the Building Official has made a decision on the application for an extension.
- (c) If the Building Permit has expired before an application is submitted for an extension of time, no extension shall be granted. If the previous permittee or any other *applicant* wants to proceed with the same *development*, a new application is required and the application is treated in all respects as a new application.
- (d) If an extension of time has been previously approved in accordance with Section 129.0219(a), the Building Official may extend the expiration of the Building Permit one additional time if the Building Official finds the following:
 - (1) There has not been a significant change in the regulations applicable to the site since the date the permit was issued;
 - (2) The additional extension is in the public interest; and
 - (3) Circumstances beyond the control of the *applicant* prevented the authorized work from proceeding.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0220 Issuance of a Building Permit for Relocation of a Structure

- (a) Before the Building Official issues a Building Permit for relocation of a *structure*, a surety bond issued by a surety company authorized to do business in the State of California or other form of security approved by the Building Official, shall be deposited with the City of San Diego, except that no security

shall be required from the State of California, its political subdivisions, or any governmental agency. The surety bond or other form of security shall be in an amount equal to the actual cost of the work to be performed plus 25 percent of that amount to insure the satisfactory performance and completion of the work. The actual cost of the work shall be determined by the Building Official. The surety or other form of security shall be on a form that has been approved by the City Attorney.

- (b) If the performance of the work is secured by a surety bond, the bond shall be conditioned as follows:
 - (1) That upon the occurrence of a default the surety is obligated to obtain a Building Permit within 30 calendar days of the date of the default and the surety is obligated to complete the work in accordance with the permitted set of plans;
 - (2) The bond shall be in joint and several form and shall inure to the benefit of the City of San Diego;
 - (3) All permitted work shall be completed in accordance with the approved plans and the requirements of this section;
 - (4) The permittee, owner, and surety shall hold harmless the City, its officers, employees, agents, and contractors from any liability in connection with the proposed work or the abatement of the *structure* and any related work;
 - (5) The bond shall obligate the permittee, owner, and surety to repair damage occurring on the *public right-of-way* as a result of removing, transporting, or relocating a *structure*; and
 - (6) The bond shall contain any other provisions that the Building Official and City Attorney deem necessary and proper to secure the satisfactory completion of the permitted work, which may include the abatement of the *structure* or condition in accordance with, but not limited by, the provisions contained in Municipal Code Chapter 1.
- (c) If the performance of the work is secured by any other form of security, as approved by the Building Official, the security shall also be conditioned as required by Section 129.0204(b) and (c).

- (d) If the surety does not timely perform its obligations, the Building Official may elect not to proceed against the bond, but rather to abate the *structure* or condition and recover the City's costs in accordance with, but not limited by, the provisions contained in Municipal Code Chapter 1.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0221 Expiration of a Building Permit for Relocation of a Structure

- (a) A Building Permit for relocation of a *structure* shall not be extended. If a Building Permit for relocation of a *structure* expires or otherwise becomes void in accordance with the provisions of Sections 129.0216, 129.0217, or 129.0218, a default shall be deemed to have occurred.
- (b) The Building Official shall, in accordance with the notice provisions of Municipal Code Chapter 1, notify the surety of the occurrence of a default. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtaining of a new Building Permit and timely completion of the work.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)